

## REMARKS

### II. **Introduction**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, and 3-15 are pending. Claims 1, 5, 11, 14, and 15 are independent claims. Claims 3 and 4 depend directly or indirectly from claim 1; claims 5 depend directly or indirectly from claim 6-10; and claims 12 and 13 depend directly or indirectly from claim 11.

Claim 2 is canceled. Claims 1, 3, 4, 5, 11, 12, and 14 are currently amended. The changes to claims 1, 5, 11, and 14 are supported by the specification, for example, at page 7 line 4 to page 8 line 25 and FIGS. 1 and 2. The changes to claims 3-5, 7, and 12 correct inadvertent typographical errors. Claim 15 is identical to previously presented claim 1. Claim 15 is supported by the specification, for example, at page 7 line 4 to page 8 line 25 and FIGS. 1 and 2. Therefore, no new matter has been added.

### III. **U.S. Patent No. 6,282,711 to Halpern et al. and U.S. Patent No. 5,925,127 to Ahmad Do Not Disclose or Suggest "...said usage processing server is operated by a network provider..."**

Amended independent claims 1, 5, 11, and 14 recite "...said usage processing server is operated by a network provider...." Neither Halpern et al. nor Ahmad disclose or suggest "...said usage processing server is operated by a network provider...", as recited by independent claims 1, 5, 11, and 14. Therefore, amended independent claims 1, 5, 11, and 14, and dependent claims 3, 4, 6-10, 12, and 13, are patentably distinguishable over Halpern et al. and Ahmad, whether alone or in combination.

### IV. **Disputed Factual Assertions**

In the outstanding office action the examiner asserts at page 3 lines 9-17 that:

As per claims 1, Halpern et al teach a method of using software products that are offered via a network (*see abstract, fig 1*) comprising inquiring about a software (*software components*) product from an offer server (*remote server, 102*) by a user via a terminal device (*client system 101*) downloading (*downloading*) the software product from the offer server via the network onto the terminal device in response to the inquiry of the user (*see abstract, fig 1, 2, column 4 lines 44-5 line 47*) activating (*installing*) a software component (*subset*) of the software product;

starting a communication by way of the software component with a usage processing server regarding a usage of the software product in response to a call of the software product in the terminal device of the user (*see abstract, fig 1, 2, column 4 lines 445 line 47*). [Office action mailed May 8, 2003 at page 3 lines 9-17; emphasis in original.]

The applicant respectfully disputes the above assertion.

**V. There is No Motivation or Suggestion to Combine the Teachings of Halpern et al. With the Teachings of Ahmad**

Applicant respectfully disputes the examiner's assertion that "...it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Halpern et al's inventive concept to include Ahmad's [sic] inventive concept...." [Office action mailed May 8, 2003 at page 4 lines 3-5.]. Halpern et al does not teach or suggest "...providing, by said software component in a framework of said communication, data to said usage processing server; and checking said data, by said usage processing server, and then making a determination selected from a group consisting of: whether usage of said software product is approved with respect to said user, and whether charging operations are carried out on user accounts and provider of software product accounts." Claim 15 recites "...providing, by said software component in a framework of said communication, data to said usage processing server; and checking said data, by said usage processing server, and then making a determination selected from a group consisting of: whether usage of said software product is approved with respect to said user, and whether charging operations are carried out on user accounts and provider of software product accounts." Therefore, Claim 15 is patentably distinguishable over Halpern et al.

**VI. Conclusion - Claims 1 and 3-15 are Patentably Distinguishable Over Halpern et al. and Ahmad**

For the reasons given above, claims 1 and 3-15 are patentably distinguishable over Halpern et al. and Ahmad, and the present application is believed to be in condition for formal allowance.

Respectfully Submitted,

8/7/2003

Date

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PATENT TRADEMARK OFFICE

**Printed: August 4, 2003 (5:16pm)**

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